IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 1829 (S/S) of 2005

Umed Singh aged 25 years
S/o Sur Singh
R/o Bigra Bag Khatima
District Udham Singh Nagar.

Petitioner.

Versus

1. Union of India through
   Secretary Ministry of Defence, New Delhi
2. Commandant Kumaun Regimental Centre Ranikhet
3. Commandant Army Command Hospital, Lucknow.

Respondents

Hon'ble B.C.Kandpal, J.

By way of this Writ petition under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ/ direction in the nature of mandamus directing the respondents to consider the case of the petitioner as a Trade man.

Heard Sh.J.C.Belwal, learned counsel for the petitioner, Sh. Vikas Pandey, learned Standing counsel for respondents 1 to 3 and perused the record.

Leaned counsel for the petitioner has submitted that in the first round the applicant was declared medically fit and after his joining he was found disabled for having color vision (CP iv Defect.) His case was referred to the Command Hospital, Lucknow where the findings of the deficiency were confirmed.

It has been submitted by the learned counsel for the petitioner that the Command Hospital has advised that the case of the petitioner can be considered for the post of Trade man.

It has been contended by the learned counsel for the petitioner that a representation has already been submitted by him for consideration for recruitment to the post of trade man but the respondents have not oconsidered the representation of the petitioner as yet.

Having considered the arguments advanced by the learned counsel for the petitioner I do not find any force in the petition,

Writ Petition is accordingly dismissed.

However, I direct the respondent No.2 to consider the case of the petitioner in the light of his representation made by him within a period of one month from the date of production of a certified copy of the judgment passed by this Court, by passing a speaking order.

It has also been contended by the learned counsel for the petitioner that he has not been paid his salary for the period he has worked with respondent No.2. Respondent No.2 is also directed to consider this aspect.

(B.C.Kandpal, J)

9.12.2005

nbj